

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DONNA M.L.,

Plaintiff,

-against-

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

Case No. 1:23-cv-05143 (JLR)

MEMORANDUM OPINION
AND ORDER

JENNIFER L. ROCHON, United States District Judge:

On June 18, 2023, Plaintiff commenced this action against Defendant. ECF No. 1. On June 29, 2023, the Court entered an order of reference. ECF No. 7. On October 4, 2023, Plaintiff filed a brief requesting judgment on the pleadings. ECF No. 14. On November 3, 2023, Defendant filed a brief opposing Plaintiff's request and seeking judgment on the pleadings in its favor. ECF No. 15. On November 13, 2023, Plaintiff filed a reply brief. ECF No. 16. On January 17, 2024, the magistrate judge issued a Report and Recommendation advising that "Plaintiff should be granted judgment on the pleadings and this matter should be remanded for further administrative proceedings." ECF No. 17 (the "Report") at 1.

Objections were due 14 days later, that is, on January 31, 2024. *Id.* at 22. The Report warned that failure to timely object would result in a waiver of objections and preclude appellate review. *Id.* at 22-23. The January 31, 2024 deadline has now passed and no objections have been filed to the Report. For the following reasons, the Court adopts the Report in full.

A district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1); *see* Fed. R. Civ. P. 72(b); *Grassia v. Scully*, 892 F.2d 16, 19 (2d Cir. 1989). Parties may object to a magistrate judge's recommended findings "[w]ithin 14 days after being served with a copy of the


recommended disposition.” Fed. R. Civ. P. 72(b)(2). “In a case such as this one, where no timely objection has been made, a district court need only satisfy itself that there is no clear error on the face of the record.” *Harleysville Ins. Co. v. Certified Testing Lab’ys Inc.*, --- F. Supp. 3d ---, 2023 WL 4406156, at *1 (S.D.N.Y. July 7, 2023) (citation omitted). “A party’s ‘failure to object timely to a report waives any further judicial review of the report’ so long as the party received ‘clear notice of the consequences of their failure to object.’” *Id.* (quoting *Frank v. Johnson*, 968 F.2d 298, 300 (2d Cir. 1992)).

Here, neither party has submitted objections to the Report. The Court therefore reviews the Report for clear error. *See id.* The Court finds that the Report’s reasoning is sound, grounded in fact and law, and not clearly erroneous. Accordingly, the Court ADOPTS the thorough and well-reasoned Report in its entirety. The Clerk of Court is respectfully directed to enter judgment in favor of Plaintiff.

In light of the clear notice provided in the Report, the lack of any timely objections precludes appellate review of this decision. *See Frank*, 968 F.2d at 300.

Dated: February 2, 2024
New York, New York

SO ORDERED.



JENNIFER L. ROCHON
United States District Judge